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Attorneys for Defendant and Counterclaimant
CASHCALL, INC.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

KRISTA O'DONOVAN, EDUARDO DE
LA TORRE and LORI SAYSOURIVONG,
individually and on behalf of all others
similarly situated,

Plaintiff,

vs.

CASHCALL, INC., a California
corporation, and DOES 1 through DOE 50,
inclusive,

Defendants.

Case No. C 08-03174 MEJ

STIPULATION RELATED TO CONSUMER
LEGAL REMEDIES ACT CLAIM

CASHCALL, INC., a California
corporation,

Counterclaimant,

vs.

EDUARDO DE LA TORRE,

Counterdefendant.

WHEREAS on June 24, 2009, the Court GRANTED IN PART, AND DENIED IN PART, Defendant's Motion to Dismiss Plaintiff's First Amended Complaint. Among other things, the Court granted Defendant's Motion to Dismiss the Second Cause of Action for violation of the Consumer Legal Remedies Act ("CLRA") without prejudice.

WHEREAS on July 14, 2009, Plaintiffs filed a Second Amended Complaint. The Second Amended Complaint included a CLRA claim that was identical to the claim previously dismissed. Plaintiffs included the CLRA claim in the Second Amended Complaint solely to preserve the issues on appeal. Plaintiffs are not pursuing the CLRA claim in the District Court.

WHEREAS on July 30, 2009, Plaintiffs filed a Third Amended Complaint, which also included the CLRA claim that is identical to the one the Court dismissed without prejudice.

WHEREAS the Fourth Amended Complaint adds a new plaintiff, but does not otherwise add or change any allegations related to the causes of action. The Fourth Amended Complaint includes the CLRA claim that is identical to the one the Court dismissed without prejudice.

WHEREAS on February 25, 2010, the Court signed the Stipulation and Proposed Order and the Fourth Amended Complaint was deemed filed.

NOW, THEREFORE, Plaintiffs and Defendant, through their respective counsel of record, hereby stipulate, that Plaintiffs' CLRA claim is included in the Fourth Amended Complaint solely to preserve the issues on appeal. Plaintiffs agree that they are not pursuing this claim in the District Court. On that basis, Defendant is not filing a motion to dismiss the CLRA claim.

1 IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

2 Dated: March 22, 2010

/s/

3 Whitney Huston
4 *Attorneys for Plaintiffs and Counterdefendants*
Krista O'Donovan and Eduardo de la Torre

5 Dated: March 22, 2010

/s/

6 Brad W. Seiling
7 *Attorneys for Defendant and Counterclaimant*
CashCall, Inc.

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9 *Filer's Attestation: Pursuant to General Order No. 45, Section X(B) regarding signatures, Brad*
10 *Seiling hereby attests that concurrence in the filing of this document has been obtained.*